

CR-03-1368 (A.R.R.)

UNITED STATES

ASSENTED TO ORDER

- v -

ERROL SMALL, et al.,  
Defendants

Upon application by Counsel for Errol Small and for good cause shown, it is  
hereby ORDERED

That the Jamaican passport of Errol Small be returned to him.

SO ORDERED:

  
Allyne R. Ross  
United States District Judge

Dated: Brooklyn, New York  
April , 2006

May 3,

To: Office of United States Attorney  
Eastern District of New York

HARRY C. BATCHELDER, JR.

40 WALL STREET  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
Case 1:03-cr-01368-ARR Document 374-1 Filed 04/05/2006 Page 1 of 3

NEW YORK, N.Y. TO 05-1338

CR-03-1368 (A.R.R.)

UNITED STATES  
NEW HAMPSHIRE OFFICE  
CENTER SANDWICH, N.H. 03227  
603-284-7725

212-530-4480

CABLE ADDRESS  
PRAETORIAN NEW YORK  
FAX (212) 530-4488

AFFIDAVIT IN SUPPORT  
OF ASSENTED TO MOTION  
FOR THE RETURN OF  
ERROL SMALL'S  
JAMAICAN PASSPORT

- v -

ERROL SMALL, et al.,  
Defendants

-----X

STATE OF NEW YORK                    )  
  )  
COUNTY OF NEW YORK                )        ss:

HARRY C. BATCHELDER, JR., being duly sworn, deposes and says:

(1) I am assigned counsel and, as such, I am fully familiar with the facts and circumstances surrounding Mr. Small's defense and I make this affidavit in support of an order to return Mr. Small's Jamaican passport and I do so for the following reasons:

(2) As the Court is aware from the allegations surrounding prior counsel's representation, prior counsel took money to "handle", sic, Mr. Small's immigration status. Despite repeated requests by Mr. Small, nothing was done to address his concerns and, through no fault of his own, his status was jeopardized.

(3) In order to adjust his status, Mr. Small will require his passport which is presently in the possession of United States Customs and Immigration authorities. I spoke with Assistant United States Attorney Michael Ramos and he assented to the return

of Mr. Small's passport to him, but he would require a court order to do so. This  
Case 1:03-cr-01368-ARR Document 374 Filed 04/05/2006 Page 2 of 3  
application followed.

  
HARRY C. BATCHELDER, JR.

Sworn to before me this  
4<sup>th</sup> day of April, 2006

JOHN P. BOSTANY  
Notary Public, State of New York  
No. 02B05072359  
Qualified in Kings County

- Notary Public -

Commission Expires Jan. 27, 2007

HARRY C. BATCHELDER, JR.

40 WALL STREET

SIXTY-FIRST FLOOR

NEW YORK, N.Y. 10005-1338

212-530-4480

NEW HAMPSHIRE OFFICE:  
CENTER SANDWICH, N.H. 03227  
603-284-7725

CABLE ADDRESS  
PRAETORIAN NEW YORK  
FAX (212) 530-4488

May 1, 2006

Chambers of The Honorable  
Allyne R. Ross  
United States District Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: United States v. Errol Small  
CR-03-1368 (A.R.R.)  
Our File No.: 5-08

Dear Judge Ross:

On April 4<sup>th</sup> I sent to the Court the enclosed order pertaining to Mr. Small being able to pick up his passport and we note this order has not been executed.

As Mr. Small needs the passport to straighten out his immigration matters, I would appreciate the Court's attention to this proposed assented to order.

Very truly yours,

  
Harry C. Batchelder, Jr.

HCB/ca  
Enclosure

cc: Michael Ramos